

UNITED STATES PATENT OFFICE

In Re Application of:	§ Confirmation Number:
HADAD, Zion	§ 5463
Serial No.:	§ Group Art Unit:
09/624,237	§ 2663
Filed:	§ Examiner:
24 July 2000	§ DUONG, DUC T.
Title: WIRELESS INTERACTIVE	§ Atty. Docket Number:
SYSTEM AND METHOD	§ 18023.1050
	§

RENEWED PETITION UNDER 37 CFR 1.137(b)

Mail Stop Amendment
Commissioner of Patents
P.O. Box 1450
Alexandria, VA 22313-1450

To the Office:

Applicant's attorneys are now in receipt of an official communication mailed by the Office on August 28, 2008 in the form of a dismissal of the applicant's petition to revive based on unintentional abandonment. The applicant is responding to this dismissal in a timely manner by (a) providing an affidavit that shows the entire delay was unintentional and (b) providing remarks as to why the petition should be granted. The Office's consideration of this response is greatly appreciated.

Remarks

The applicant is submitting a sworn affidavit that sets forth the historical background for the instant application, as well as showing that the entire delay in filing the currently dismissed petition was unintentional.

Based on the sworn affidavit, it is clear that the applicant did not receive the dismissal notice that was mailed by the Office on September 26, 2005. Similarly, the applicant never received the original September 24, 2004 official communication. The applicant has now hired a United States Patent Attorney to handle the prosecution of this case and, a proper power of attorney and change of correspondence address form has been filed and accepted. This should alleviate any future mailing issues.

The present application originally entered the state of abandonment on March 24, 2005 because the applicant failed to respond to the September 24, 2004 official communication which was a restriction requirement. This failure to respond was unintentional in that the applicant had not received the official communication and thus, was not aware that a response was due.

Once the applicant became aware that the application was abandoned (upon receiving a notice of abandonment), the applicant prepared and filed a petition to revive the application and requested a copy of the September 24, 2004 official communication. The Office responded by dismissing this petition in a notice mailed on September 26, 2005. However, this notice was never received by the applicant and as such, the applicant was not aware that the petition had been dismissed and that the application was still in a state of abandonment. Thus, again the applicant's failure to respond to this dismissal notice was unintentional in that the applicant was not aware that a response was due.

Furthermore, upon examining the file history available in PAIR, it is clear that the Office did not comply with the applicant's request to provide a copy of the September 24, 2004 official communication. This is clearly an error on the part of the Office.

The applicant respectfully submits that in view of the above-identified facts, and as sworn to in the attached Affidavit, along with the error on the part of the Office, that the present petition should be granted. The applicant has clearly shown that the entire delay was unintentional. Further, the applicant requested the Office to provide a copy of the September 24, 2004 official communication and the Office did not respond. As such, it was not until the applicant hired the present attorney, had a power of attorney filed and then gained access to the file history that a copy of the September 24, 2004 official communication was received and the dismissal of the applicant's petition was discovered. Therefore, the applicant respectfully requests the Office to retract the dismissal of the petition and further consider the petition. .

Respectfully submitted,

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